

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CHARLES IHENACHO,

Plaintiff,

vs.

GREEN TOKAI CO., LTD.,

Defendant.

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Case No. 08-CV-390

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JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY OVERRULING PLAINTIFF'S MOTION TO  
ENFORCE SETTLEMENT (DOC. #34) AS MOOT

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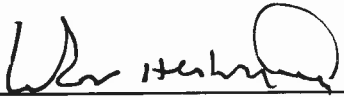
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Pursuant to a telephone conference call had between Court and counsel on September 20, 2010, the Motion of the Plaintiff, seeking an order of the Court to enforce the settlement by and between the parties (Doc. #34), is deemed moot, given that the Defendant has paid the monies in question to the Montgomery County Court of Common Pleas pursuant to an order of that Court.

The Court notes, parenthetically, that, on September 22, 2010, Plaintiff requested this Court to require the state court to relinquish possession of the settlement proceeds and to send same to this Court for a determination as to who should receive same (Doc. #36). That Motion was served upon Judge Mary Katherine Huffman and Richard Talda, counsel for the Ohio Institute of

Photography & Technology, the entity which filed a Complaint for a Creditor's Bill pursuant to Ohio Revised Code § 2333.01. Once the time for response to the Plaintiff's Motion herein has passed, this Court will rule on the pending motion.

October 22, 2010



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record